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THE ACTS

PASSED BY THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE YEAR 1883.

Published by authority of the Council.

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TITLES OF THE ACTS

PASSED BY THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN

THE YEAR 1883.

Act No. I.—An Act to amend the Bengal Excise Act, 1878.

II.—An Act to amend the Calcutta Port Improvement Act, 1870.

„ III.—An Act to authorize the making and to regulate the working of Tramways in Bengal.

„ IV.—An Act to amend the law relating to Jute-warehouses and Fire-brigades.

„ V.—An Act for the registration and control of Porters and Dandeewallahs in the Darjeeling and Kurseong Municipalities.

Act No. I of 1883.

Passed by the Lieutenant-Governor of Bengal in Council.

(Received the assent of the Lieutenant-Governor on the 22nd January 1883, and of the Governor-General on the 23rd February 1883.)

An Act to amend the Bengal Excise Act, 1878.

Preamble.

Whereas it is expedient to amend the Bengal Excise Act, 1878: It is enacted as follows:—

Construction of Act.

1. This Act shall be read with and taken as part of the Bengal Excise Act, 1878, as amended by Bengal Act IV of 1881.

New definitions.

2. In section four of the Bengal Excise Act, 1878, the following definitions shall be inserted, that is to say:

"Licensed vendor or manufacturer."

"'Licensed vendor or manufacturer' means a vendor or manufacturer licensed under this Act.

"Tari."

"'Tari' means the sap of any kind of palm tree."

New section 10A.

3. After section ten of the said Act the following section shall be inserted, that is to say:

Possession of unlicensed still prohibited.

10A. "No person shall have in his possession a still for the manufacture of spirituous liquors for which he has not obtained a license."

Amendment of section fifteen.

4. For the first three paragraphs of section fifteen of the said Act the following shall be substituted, that is to say:

"The sale of any exciseable article in a larger quantity than is specified below shall be deemed to be a sale by wholesale, and the sale of any other quantity shall be deemed to be a retail sale: provided that the Board may from time to time by rule fix any larger quantity as the limit for a retail sale of any exciseable article :

Wholesale and retail sale.

"Spirituous or fermented liquors, imported by sea, two imperial gallons or twelve reputed quart bottles :

"other spirituous or fermented liquors, excepting tari and pachwai, one seer, or one reputed quart bottle :

"tari or pachwai, four seers."

5. For section seventeen of the said Act the following section shall be substituted, that is to say :

New section seventeen.

"17. No person, not being a licensed manufacturer or vendor or a person duly authorized to supply licensed vendors, shall have in his possession a greater quantity of any exciseable article than that specified in section fifteen, or than the quantity which may be fixed by the Board under the said section as the limit for a retail sale of any such article."

Illegal possession.

6. After section nineteen of the said Act, the following section shall be inserted, that is to say :

New section 19A.

19A. "In respect of exciseable articles manufactured in any part of British India beyond the limits of the territory to which this Act extends, the Board may from time to time with the sanction of the Local Government frame rules for prescribing the conditions under which the said articles may be imported, and where no duty has previously been paid on such articles, the conditions under which the same may be imported and bonded within such limits."

Rules for the importation and bonding of exciseable articles manufactured beyond limits of Act.

7. In section twenty-six of the said Act the words "if required by the Collector to do so" shall be inserted after the words "tenor of the license."

Amendment of section twenty-six.

8. In section twenty-nine, paragraph three, of the said Act, the words "in writing" shall be inserted after the words "previous notice."

Amendment of section twenty nine.

In the same paragraph of the same section the word "such" shall be inserted after the words "or if" and before the word "notice."

9. In section thirty of the said Act the words "in writing" shall be inserted after the word "notice."

Amendment of section thirty.

10. For the second and third paragraphs of section fifty-three of the said Act the following shall be substituted, that is to say:

Amendment of section fifty-three.

"Nothing contained in the first clause of this section or in section eleven applies to the arrangements under which tari is supplied to licensed retail vendors, or to the sale of tari or of any preparation of the same, when supplied or used for the manufacture of gur or molasses."

11. To section sixty of the said Act the following words shall be added, that is to say:

Amendment of section sixty.

"or shall be held to apply to the sale by licensed wholesale vendors of such small quantities of beer, wines or spirits, as may appear to the Collector to be used only as samples."

12. In the first paragraph of section sixty-one of the said Act the following words shall be inserted after the word "fifteen," that is to say:

Amendment of section sixty-one.

"or than the quantity which may be fixed by the Board under the said section as the limit for a retail sale of any such article."

In the second paragraph of the same section the following words shall be inserted after the word "article," that is to say:

"in the possession of any common carrier or warehouseman as such or."

Commencement of Act.

13. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

J. B. S.—Reg. No. 1611BG—2,000—17-3-83.

Act No. II of 1883.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 21st February 1883, and of the Governor-General on the 29th March 1883.)

An Act to amend "the Calcutta Port Improvement Act, 1870."

Preamble.

WHEREAS it is expedient to amend the Calcutta Port Improvement Act, 1870: It is enacted as follows:—

Section 21, Bengal Act IV of 1880, repealed.

1. Section twenty-one of Bengal Act IV of 1880 is repealed.

Substitution of new clause for clause (2), section 39 of Bengal Act V of 1870.

2. For clause (2) of section thirty-nine of Bengal Act V of 1870, the following shall be substituted, that is to say:

"Tramways, warehouses, sheds, engines, and other appliances for conveying, receiving, and storing goods and merchandize landed or to be shipped or carried, and accommodation for the sampling and selling of such goods and merchandize: such tramways, with the previous sanction of the Lieutenant-Governor of Bengal, to be worked by locomotive engines, or other motive power drawing or propelling carriages and wagons for the conveyance of goods therein."

Price six pies.

Act No. III of 1883.

Passed by the Lieutenant-Governor of Bengal in Council.

(*Received the assent of the Lieutenant-Governor on the 26th March* 1883, *and of the Governor-General on the 25th April* 1883.)

An Act to authorize the making and to regulate the working of Tramways in Bengal.

Preamble.

Whereas it is expedient to facilitate the construction and to regulate the working of tramways within the territories subject to the Government of the Lieutenant-Governor of Bengal:

It is enacted as follows:—

Short title and commencement of Act.

1. This Act may be cited for all purposes as "The Benga Tramways Act, 1883." It shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Interpretation.

2. For the purposes of this Act, the terms hereinafter mentioned shall, unless there be something repugnant in the subject or context, have the meanings hereinafter assigned to them.

"Local authority."

The term "Local authority" shall mean (1) bodies of persons for the time being appointed or elected to conduct the affairs of any municipality under Bengal Act V of 1876, or other law for the time being in force for the purpose of regulating municipalities in Bengal; (2) any Board, Committee, Department or other body or person in whom a road as defined by this Act is vested, or who have the power to maintain or repair such road.

Price 2 annas, 6 pies.

"Area" The term "Area" in relation to a local authority shall mean the area within the jurisdiction of such local authority.

"Municipality" The term "Municipality" shall mean any place in which Bengal Act V of 1876, or any other law for the time being in respect of Bengal Municipalities, is in force.

"Road" The term "Road" shall mean any carriage way, being a public thoroughfare, and the carriage way of any bridge forming part of or leading to the same.

"Tramway" The term "Tramway" shall mean a tramway constructed under this Act.

PART I.

Orders by the Local Government authorizing the construction of Tramways.

By whom orders authorizing the construction of tramways may be obtained

3. An order made by the Local Government authorizing the construction of any tramways in any municipality or area, may be obtained by—

1*st*.—The local authority of such municipality or area.

2*nd*.—Any person, persons, corporation or company with the consent of such local authority.

And any such local authority, person, persons, corporation or company shall be deemed to be "promoters" of a tramway, and are in this Act referred to as "the promoters"

When applications for authority to construct tramways may be made

Where the local authority consists of a body of persons, Board or Committee, no application shall be made to the Local Government for the purpose of authorizing the construction of tramways in a municipality or area until a resolution, approving of the intention to make such application, shall be passed at a special meeting of the members constituting the local authority in such municipality or area.

Such special meeting shall not be held unless a month's previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such local authority are usually given, and such notice shall require that all objections to the proposed tramways shall be submitted for the consideration of the local authority, before the date fixed for the special meeting.

Such resolution shall not be passed unless two-thirds of the members constituting such local authority are present and vote at such special meeting, and a majority of those present and voting concur in the resolution.

Documents to be forwarded with application.

4. At the time of making an application for such order, the promoters shall also forward to the Local Government—

1st.—A memorial signed by the promoters descriptive of the undertaking.

2nd.—A copy of the proceedings and resolution of the special meeting held under the provisions of section three.

3rd.—A copy of the provisional agreement made between the promoters and local authority, where the promoters are not themselves the local authority.

4th.—An estimate of the proposed works, signed by the persons making the same.

5th.—All necessary maps, plans, sections, and drawings of the proposed work.

Local Government to determine on application and objection.

5. The Local Government shall consider the application and may, if it think fit, direct an enquiry as to the propriety of proceeding upon such application, and it shall consider any objection thereto that may be filed on or before such day as it may from time to time appoint.

Local Government may make and publish order.

Where it appears to the Local Government expedient and proper that the application should be granted with or without addition or modification, or subject or not to any restriction or condition, the

Local Government may settle and make an order accordingly and such order shall be published in the *Calcutta Gazette*.

Form and contents of order.

Every such order shall empower the promoters therein specified to make the tramway upon the gauge and in manner therein described, and shall contain such provisions, fix such maximum rates of fare, and prescribe such penalties for default as (subject to the provisions of this Act) the Local Government according to the nature of the application and the facts and circumstances of each case thinks fit.

Where the promoters are not the local authority, the order shall set forth the agreement made between the promoters and the local authority, and one of the provisions of such agreement shall settle the manner in which the value of the tramway shall be calculated in the event of its purchase by the local authority, under sections thirty-nine, forty, or forty-one.

Power to revoke, amend or vary order.

6. The Local Government on the application of any promoters empowered by an order to construct a tramway may, from time to time revoke, amend or vary such order by a further order:

Provided that whenever the promoters are not the local authority, the Local Government shall, before passing such order, call upon the local authority to state any objection it may have to such application.

Power to authorize joint work.

7. Subject to, and in accordance with, the provisions of this Act, the Local Government may, on a joint application, or on two or more separate applications, settle and make an order empowering two or more local authorities, respectively, jointly to construct the whole, or separately to construct parts, of a tramway, and jointly or separately to own the whole or parts thereof; and all the provisions of this Act, which relate to the construction of tramways, shall extend and apply to the construction of the whole, and the separate parts of such tramway as last aforesaid; and the form of the order may be adapted according to the circumstances of the case.

8. Where it is proposed to lay down a tramway in two or more areas, and any local authority having jurisdiction in any of such areas does not consent thereto, the Local Government may nevertheless make an order authorising the construction of such tramway, if it is satisfied after enquiry that two-thirds of the length of such tramway is proposed to be laid in an area or areas the local authority of which area or areas does consent thereto.

Local Government may in certain cases dispense with consent of local authority.

9. If the promoters empowered by any order under this Act to make a tramway do not, within the period prescribed in such order, complete the tramway and open it for public traffic; or,

Promoters' powers to cease at expiration of prescribed time.

if the works are not substantially commenced within the latest date prescribed in such order for their commencement; or,

if the works, having been commenced, are suspended without a reason sufficient, in the opinion of the Local Government, to warrant such suspension;

the powers given by the order to the promoters for constructing such tramway, executing such works or otherwise in relation thereto, shall cease to be exercised to the extent and in the manner specified in such order.

A notice inserted by the Local Government in the *Calcutta Gazette* to the effect that a tramway has not been completed and opened for public traffic, or that the works have not been substantially commenced, or that they have been suspended without sufficient reason, shall be conclusive evidence for the purposes of this section of such non-completion, non-commencement or suspension.

10. When the local authority of any area are the promoters of any tramway, the expenses incurred by them in constructing and working such tramway under the provisions of this Act including the expenses preparatory thereto, may be paid out of the funds under the control of such local authority.

Payment of expenses when local authority are promoters.

Rent for use of road when local authority are not promoters.

11. When the local authority are not the promoters, they may fix and demand from the promoters such rent for the use of roads as may be agreed upon.

Application of rent or tolls.

12. Any moneys received by any local authority by way of rent or tolls in respect of any tramway constructed and worked under the provisions of this Act, may be applied by them to the purposes for which other funds under the control of such local authority may be applied.

Power to make rules.

13. The Local Government may from time to time make, and when made, may revise, modify, annul, add to or confirm, any rules it may be expedient to make for the purpose of carrying this Act into execution.

PART II.

Construction of Tramways.

Form in which tramways are to be constructed and maintained.

14. Every tramway shall be constructed and maintained on such gauge and in such manner as may be specified in the order of the Local Government empowering the construction of such tramway, and before the work of construction is begun, the maps, drawings, and specification shewing the proposed construction of such tramway shall be submitted to the local authority and be approved by it, and the cars and carriages intended to run on the tramways shall also be of such construction and furnished with such brakes and other appliances, as shall have been approved by such local authority.

Power to break up streets.

15. The promoters may from time to time, for the purpose of constructing and maintaining any tramways under this Act, open and break up the soil and pavement of any of the roads upon which the construction and maintenance of such tramway has been authorized by the order of the Local Government in that behalf, and therein lay sleepers and rails, and repair, renew, alter or remove the

same; and may, for the purposes aforesaid, do in and on such roads all other acts which shall from time to time be necessary for constructing and maintaining their tramways:

Provided that when the powers granted under this section shall be exercised by the promoters, who are not the local authority, such powers shall be exercised subject to the following regulations:—

1*st.*—They shall give to the local authority notice in writing of their intention to open or break up any such road, specifying the time at which they will begin to do so, and the portion of the road proposed to be opened or broken up. Such notice to be given at least seven days before the commencement of the work.

2*nd.*—They shall not open or break up or alter the level of any such road, except under the superintendence and to the reasonable satisfaction of the local authority, for which superintendence the promoters shall pay all reasonable expenses, unless the local authority neglect to give such superintendence at the time specified in the notice, or discontinue the same during the work.

3*rd.*—They shall not, without the consent of the local authority in writing, open or break up at any one time a greater length than a quarter of a mile in any one length, and shall leave an interval of at least a quarter of a mile between any two such places at which they may open or break up such road.

4*th.*—They shall, with all convenient speed, and in all cases within two calendar months at the most, unless the local authority otherwise consent in writing, complete the work for which the said road shall be broken up, and fill in the ground, and make good the surface, and, to the reasonable satisfaction of the local authority, restore the road to as good a

condition as that in which it was before it was opened or broken up, and clear away all surplus materials or rubbish occasioned thereby.

5th.—They shall in the meantime, when such road is opened or broken up, cause it to be fenced and watched, and to be properly lighted at night.

6th.—They shall make good all damage done to the gas and water pipes, sewers, drains, culverts, bridges, and fences whether belonging to the local authority or to private individuals, by the disturbance thereof, and shall not cause any interruption in the supply of gas in or through any main or pipe, or the flow of water through any pipe, drain, culvert, bridge or other waterway; if they fail to make such damage good, or to remove such interruption within reasonable time, the local authority may, without prejudice to the penalties payable under section twenty-nine, cause the same to be made good at the promoters' expense.

Promoters to keep the tramway roads in proper repair.

16. The promoters shall at their own expense at all times maintain and keep in good condition and repair, in such manner as the local authority shall direct, the rails of which any of their tramways shall for the time being consist, and so much of any road as lies between the rails of any tramway; and in the case of double lines or turnouts or sidings, the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway; and in the course of carrying out repairs, it shall not be necessary to give notice thereof to the local authority.

Promoters not to obstruct ordinary traffic.

17. In exercising the powers given to them by the last two preceding sections, the promoters shall arrange their work so as to afford the least possible obstruction to the ordinary traffic of the roads or to the ordinary means of approach to houses situated on either side of

the roads, and so as to admit of as free and unrestricted entry at all times into the sewers, drains, culverts, and bridges for the time being in use, as is possible under the circumstances, and also so as to enable proper repairs to be made to water or gas pipes by the direction of the local authority.

Reservation of right of public to use roads

18. Nothing in this Act, or in any bye-law made under this Act, shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any tramway is laid, whether on or off the tramway, with carriages not having flange wheels or wheels suitable to run on rails. But the right of the public shall not include the use of any new roadway, embankment or earthwork constructed or acquired for the special and exclusive use of the tramway.

Right of user only.

19. Notwithstanding anything in this Act contained the promoters shall not acquire, or be deemed to acquire, any right other than that of user of any road along or across which they lay any tramway.

PART III.

Working of Tramways.

No tramway to be opened without certificate from Engineer

20. No tramway shall be opened for public traffic until the same has been inspected and certified by an Engineer or other officer, appointed in that behalf by the Local Government, to be fit for such traffic.

Local authority may lease or take tolls

21. When a tramway has been completed under the provisions of this Act and certified to be fit to be opened for public traffic under the last preceding section, the local authority or other promoters may, subject to the provisions of this Act, place and run carriages on such tramway, and demand and take tolls and charges in respect of the use of such carriages; or may, by lease, to be approved of by the Local Government, demise to any person, persons, corporation or company the right of user by such person, persons, corporation or company of the tramway, and of demanding and taking

in respect of the same the tolls and charges authorised; or such authority may leave such tramway open to the public, and may in respect of such user demand and take the tolls and charges authorised.

Carriages how to be worked.

22. The cars and carriages of the promoters on the lines of the tramways shall be worked with such power, animal, mechanical or otherwise, as may be specified in the order issued by the Local Government under section five.

Promoters may use tramway carriages with flange wheels.

23. The promoters may use on their tramways carriages with flange wheels or wheels suitable for running on the prescribed form of rail, and, subject to the provisions of this Act, they shall have the exclusive use of their tramways for carriages with flange wheels, or other wheels suitable for the said form of rail.

Promoters may fix and demand fares.

24. The promoters shall have power from time to time to fix the rates of fares for carrying passengers and goods in the said cars or carriages, and may demand and take the same for every passenger travelling upon any of their tramways, or for the carriage of goods by their tramways:

Provided that the rate of fare for each person or parcel shall not exceed the maximum rates authorized in the order of the Local Government issued under section five.

Printed list of fares, &c., to be placed in carriages.

25. A printed list in English and the vernacular of the district of all the fares and charges fixed under the authority of the last preceding section and a printed copy in the same languages of all bye-laws in force as hereinafter mentioned, shall be exhibited in a conspicuous place inside each of the cars or carriages used by the promoters upon any of their tramways.

Fares how to be paid.

The fares and charges fixed as foresaid shall be paid to such persons at such places, upon or near to the tramways, and in such manner and

under such regulations as the promoters may, by notice to be annexed to the list of fares, from time to time appoint.

Bye-laws by local authority.

26. The members constituting the local authority in a municipality or area in special general meeting may, subject to confirmation thereof by the Local Government, from time to time make such bye-laws as to the rate of speed, number of passengers, and mode of use of the tramways as the convenience and safety of the public may require, and as are not inconsistent with this Act or any rules framed under section thirteen.

The promoters may make certain bye-laws.

27. The promoters may, subject to confirmation as aforesaid, from time to time make such bye-laws—

for preventing disturbances, or the entry of persons suffering from infectious diseases, or the commission of any nuisance in or upon any carriage, or in or against any premises belonging to them; and

for regulating the travelling in or upon any carriage belonging to them:

Provided that such bye-laws are not inconsistent with this Act or with any rules or bye-laws framed under sections thirteen and twenty-six.

Publication of bye-laws.

28 All rules and bye-laws made under sections thirteen, twenty-six, and twenty-seven, and confirmed by the Local Government, shall, when so confirmed, be published in the *Calcutta Gazette*, and such rules and bye-laws when so published shall, until repealed or altered, be of the same effect as if they had been inserted in this Act:

Provided that no rules and bye-laws shall be confirmed by the Local Government until they shall have been published for at least one month previously in the *Calcutta Gazette* and in one or more of the local newspapers (if any exist) which circulate in the district to which such rules and bye-laws relate.

PART IV.

Offences.

Penalty for failure of promoters to comply with provisions of this Act.

29. If the promoters, not being the local authority, fail in any respect to comply with the provisions of sections fourteen, fifteen, sixteen, seventeen, twenty, and twenty-two of this Act, they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Act, or to any other remedy against them), upon complaint of any person injuriously affected thereby, be liable to a penalty not exceeding two hundred rupees and to a further penalty not exceeding fifty rupees for each day during which any such failure continues after the first day on which such penalty is incurred.

Penalty for obstructing promoters in the exercise of their power.

30. If any person wilfully obstructs any person acting under the authority of the promoters in the lawful exercise of their powers in setting out or making, laying down, repairing or renewing a tramway, or injures or destroys any mark made for the purpose of setting out the lines of the tramway, he shall, for every offence, be liable to a penalty not exceeding fifty rupees, and shall also be liable to pay such damages as may be awarded in respect of such injury by any competent court.

Penalty for interfering with tramway.

31. If any person without lawful excuse (the proof whereof shall lie on him) wilfully does any of the following things, namely—

interferes with, removes or alters any part of a tramway of the promoters, or of the works connected therewith ;

does or causes to be done anything in such a manner as to obstruct any carriage using the tramways ;

or knowingly aids or assists in the doing of such thing,

he shall for every such offence be liable (in addition to any proceedings by way of criminal charge or otherwise to which he may be subject) to a penalty not exceeding one hundred rupees.

Penalty for avoiding payment of proper fare.

32. If any person travelling or having travelled in any carriage of the promoters avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such carriage beyond such distance and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such carriage, every such person shall, for every such offence, be liable to a penalty not exceeding ten rupees.

Servant of promoters may arrest persons avoiding payment of fare.

33. It shall be lawful for any servant of the promoters to arrest and take to the nearest police-station any person who shall be discovered in committing or attempting to commit any such offence as in the last preceding section mentioned, and who shall refuse to give his name and residence, and is unknown to such servant.

Carriage of dangerous or offensive goods.

34. No person shall be entitled to carry or to require to be carried on any tramway any goods which may be of a dangerous or offensive nature, and if any person send by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant of the promoters with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding fifty rupees for every such offence, and it shall be lawful for the promoters to refuse to accept or carry any parcel that they may suspect to contain goods of a dangerous or offensive nature, or to require the same to be opened to ascertain the fact.

Penalty for breach of bye-laws.

35. Any person offending against any bye-law made under the provisions of this Act, shall forfeit for every offence any sum not exceeding twenty rupees to be imposed in such bye-laws as a penalty for such offence.

Part V.

Miscellaneous.

Promoters to be responsible for all damages.

36. The promoters shall be answerable for all accidents, damages, and injuries happening through their act or default, or through the act or default of any person in their employment by reason or in consequence of any of their works or carriages, and in all cases where the promoters are not the local authority they shall save harmless the local authorities and their respective officers and servants from all damages and costs in respect of such accidents, damages, and injuries

Power for the local authority or police to regulate traffic on roads.

37. Nothing in this Act shall limit the powers of the local authority or the police to regulate the passage of any traffic along or across any road along or across which any tramways are laid down, and such local authority or police may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the promoters as to the traffic of other persons.

The local authority shall not be liable to pay to the promoters any compensation for loss of traffic occasioned by the reasonable exercise of such authority.

Reservation of power over roads.

38. Nothing in this Act shall be construed to prevent the local authority or any corporate body or persons, in the exercise of the powers conferred upon them under any law for the time being in force, from opening, breaking up, widening, altering, diverting or improving any of the roads, bridges, drains or culverts traversed by the tramways for the purposes for which they may now lawfully open, break up, widen, alter, divert or improve the same: Provided

(1) that they shall cause as little detriment or inconvenience to the promoters as circumstances admit;

(2) that they may (if absolutely necessary, but not otherwise) order the temporary stoppage of traffic on the tramways or any of

them on giving twenty-four hours' previous notice in writing to the promoters;

(3) that before they commence any work, whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the promoters notice of their intention to commence such work, specifying the time at which they will begin to do so; such notice to be given eighteen hours at least before the commencement of the work;

(4) that in the event of their so interfering with or stopping the running of any tramway under this section, an abatement proportioned to the length of road over which and time during which running is stopped, shall be made from the rent (if any) reserved and payable by the promoters;

(5) that any alteration of the position of any of the tramways, or the making good of any injury or damage that may be occasioned thereto by reason of such widening, alteration or improvement, shall be executed by the promoters at the expense of the local authority.

Discontinuance of Tramways.

Tramways to be removed in certain cases.

39. If at any time after the opening of any tramway for traffic, the promoters discontinue the working of such tramway or of any part thereof for the space of three calendar months (such discontinuance not being occasioned by circumstances beyond the control of such promoters, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control), and such discontinuance is proved to the satisfaction of the Local Government, the Local Government, if it think fit, may by order declare that the powers of the promoters in respect of such tramway or the part thereof so discontinued, shall from the date of such order be at an end, and thereupon the said powers of the promoters shall cease, and determine unless the same are purchased by the local authority in manner by this Act provided. Where such order has been made the engineer or other officer appointed on that behalf by the Local Government may, at any time after the

expiration of two months from the date of such order, remove the tramway or part of the tramway so discontinued, and the promoters shall pay to such Engineer or officer the cost of such removal and of the making good of the road by such Engineer or officer. Such cost to be certified by such Engineer or officer, whose certificate shall be final and conclusive. And if the promoters fail to pay the amount so certified within one calendar month after delivery to them of such certificate or a copy thereof, such Engineer or officer may, without any previous notice to the promoters (but without prejudice to any other remedy which he may have for the recovery of the amount) sell and dispose of the materials of the tramway or part of the tramway removed, either by public auction or private sale, and for such sum or sums and to such person or persons as such Engineer or officer may think fit; and may out of the proceeds of such sale make and reimburse himself the amount of cost certified as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by the said Engineer or officer to the promoters.

Inability of Promoters.

Proceedings in case of inability of promoters.

40. If at any time after the opening of any tramway it appears to the local authority, or to the Magistrate of the district in which such tramway is situate, that the promoters of such tramway are insolvents, or that they are unable to maintain such tramway, or work the same with advantage to the public, the Local Government, upon a representation to that effect made by such Magistrate or local authority, may direct an enquiry by a referee into the truth of the representation, and if the referee shall find that the promoters are such insolvents, or that they are unable to maintain such tramway or work the same with advantage to the public, the Local Government may, by order, declare that the powers of the promoters shall, at the expiration of six calendar months from the making of the order, be at an end, and the powers of the promoters shall cease and determine at

the expiration of the said period unless the same are purchased by the local authority in manner by this Act provided; and thereupon the Engineer or other officer appointed on that behalf by the Local Government may remove the tramway in like manner, and subject to the same provisions as to the payment of the costs of such removal, and to the same remedy for the recovery of such costs in every respect, as in cases of removal under the last preceding section.

Purchase of Tramways.

Local authority to have right of purchasing tramway after 21 years.

41. The local authority shall have the right of purchasing the tramway, with the plant, buildings, stores, rolling stock, and everything connected therewith, upon the expiration of twenty-one years from the date of the order of the Local Government authorising the construction of such tramway, upon declaring its intention so to do in writing not less than six months before the expiration of the said twenty-one years, and shall have a renewed right of purchase at the end of every seven years after the expiration of the said twenty-one years upon similar notice being given; and the value to be placed upon the tramway shall be calculated in a manner to be settled in the agreement entered into between the promoters and the said local authority and set forth in the order of the Local Government:

Provided that the promoters and the local authority may, with the consent of the Local Government, provide in the said agreement for the sale and purchase of the tramway on the expiration of any shorter periods than those hereinbefore specified.

J. E. S.—Reg. No.—1339G—2,000—9-5-83.

ACT No. IV OF 1883.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 20th March* 1883, *and of the Governor-General on the 4th May* 1883.)

An Act to amend the law relating to Jute-warehouses and Fire-brigades.

Preamble.

WHEREAS it is expedient to amend the law relating to Jute-warehouses and Fire-brigades: It is enacted as follows:—

Preliminary.

Title.

1. This Act may be called the "Licensed Warehouse and Fire-brigade Act, 1883."

Extent.

It applies to Calcutta and to such portions of the Suburbs thereof as are for the time being subject to the operation of Bengal Act II of 1866; and also to the Municipality of Howrah:

Commencement.

And it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Repeal of Bengal Act V of 1879.

2. Bengal Act V of 1879 is hereby repealed. But all rules, orders, declarations and appointments made under the said Act, and now in force, shall be deemed to have been made under this Act.

Interpretation.

3. In this Act, unless there be something repugnant in the subject or context—

"Jute."
"Cotton."

"Jute" and "Cotton" mean respectively jute and cotton which have not been pressed or screwed as if for shipment:

"Person."

"Person" includes a firm and an undivided Hindu family:

Price one anna and six pies.

"Magistrate" includes a Justice of the Peace for the Town of Calcutta, and any person exercising all or any of the powers of a Magistrate.

"Magistrate."

"The Commissioners" mean, in respect of Calcutta, the Corporation of the Town of Calcutta, and in respect of the Suburbs and Howrah, the Municipal Commissioners appointed or elected under the Bengal Municipal Act 1876, or any other law for the time being in force relating to Municipalities.

"The Commissioners."

"Warehouse" means any building or place used for the storing, keeping, pressing or depositing of jute or cotton or other fibre for the time being subject to the operation of this Act.

"Warehouse"

PART I

Licensed Warehouses.

4. No warehouse shall be used for the storing, keeping, pressing or depositing of jute or cotton, unless the owner or occupier thereof shall have previously obtained a license for such use.

Existing warehouses not to be used till licensed.

5. From and after the commencement of this Act, every license granted to a warehouse under the Jute-warehouse and Fire-brigade Act of 1872 or 1879, shall be subject to the payment of an annual fee. Such fee shall be determined by the Commissioners in accordance with a scale to be fixed from time to time by the Local Government after consulting the Commissioners at a special meeting, and shall be paid in such instalments as the Commissioners may direct.

Fee for license for warehouse.

The Local Government may, at its discretion, fix such scale of fees either—

(1) in proportion to the annual value of the warehouse as it is assessed to the payment of municipal taxes: or

(2) in proportion to the value of the machinery erected, or proposed to be erected, in such warehouse: or

(3) in proportion to such annual value of the warehouse, and to the value of the machinery, taken together.

The Local Government may from time to time, on the recommendation of the Commissioners at a special meeting, alter the scale of fees to be paid in respect of warehouses.

License for new warehouse.

6. Any person proposing to use any land for the purposes of a warehouse within the area to which this Act extends, shall send to the Commissioners a plan of such land and all the buildings thereon, prepared in such manner as the Commissioners may direct, and it shall be within the discretion of the Commissioners at a special meeting to grant or refuse a license to establish the same.

Such license may be either permanent, or may be granted for such term of years as the Commissioners shall think fit.

Every license for a warehouse, to be granted under this section, shall be subject to the following conditions, namely—

(1) that no loose jute, jute rejections or cuttings, or cotton, shall be stored or screwed or pressed, save within a building constructed of such materials, and on such a plan, as may be approved of by the Commissioners;

(2) that no loose jute, jute rejections or cuttings, or cotton, shall be combed or dried except within an enclosure, and that the top or roof of any building or of any hut shall not be used for such combing or drying without the sanction in writing of the Commissioners;

(3) that space shall be reserved on land appertaining to the warehouse for the loading or unloading of carts;

(4) that no portion of the warehouse shall be used as a residence, and no artificial light (other than one duly and thoroughly protected) or lucifer matches shall be introduced therein, and that no person shall smoke therein;

(5) that the warehouse shall, at all times be open to the inspection of officers duly appointed by the Commissioners;

(6) that the engines and furnaces used in the warehouse shall be placed, as may be considered necessary by the Commissioners;

(7) that an annual fee shall be imposed in respect thereof as provided by the last preceding section.

Inspection of warehouses.

7. The Commissioners shall appoint a sufficient number of officers for the inspection of warehouses within Calcutta, the Suburbs, and the Municipality of Howrah respectively; and any officer so appointed, and any Superintendent or Inspector or Sub-Inspector of Police, may enter at any time into any warehouse and may inspect the same.

On change in occupation of warehouse, occupier to give notice.

8. On a change in the occupation of any warehouse, the person entering into occupation of the same shall, within two weeks of his so entering into occupation, give notice in writing to the Commissioners of such change of occupation, and shall thereupon pay to the Commissioners a fee of two rupees; and his name shall accordingly be substituted in such license for the name of the last occupier.

If any warehouse is let out in portions, the person so letting it out and entitled to the rent shall, for the purposes of this Act, be deemed to be the occupier.

Cancelment or suspension of license.

9. It shall be in the discretion of the Commissioners at a special meeting to cancel or to suspend, for such time as they shall think fit, the license of any warehouse in respect of which any one or more of the conditions under which such license is held shall appear to them to have been broken, or in respect of which the provisions of the last preceding section have been broken.

PART II.

Penalties.

Penalty for not taking out license.

10. Any person who, without a license, uses any warehouse for keeping or depositing jute or cotton shall be liable, on conviction before a

Magistrate, to a penalty not exceeding one hundred rupees for each day during which he may use or continue to use such warehouse as aforesaid.

Penalty for establishing warehouse without license.

11. Any person who, without a license, uses for keeping or depositing jute or cotton any warehouse established after the commencement of this Act shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred rupees, and to a further penalty not exceeding fifty rupees for every day during which such warehouse is used for keeping or depositing jute or cotton without a license.

Penalty for using warehouse after refusal of license.

12. Any person who uses a warehouse for the keeping or depositing of jute or cotton after the Commissioners shall have refused or cancelled a license in respect thereof, or during the time for which such license shall have been suspended, shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred rupees, and to a further penalty not exceeding one hundred rupees for every day during which any such warehouse may be so used as aforesaid.

Penalty on occupier in case of breach of conditions of license.

13. Whenever any of the conditions under which a license is held in respect of any warehouse have been broken in such warehouse, the person whose name appears on the license as the occupier of such warehouse, shall be liable, on conviction before a Magistrate, to have his license cancelled, or to a fine not exceeding five hundred rupees.

Penalty on any person in case of breach of conditions of license.

14. Any person who breaks any of the conditions under which a license is held in respect of any warehouse shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty rupees for any one such offence.

Penalty for omitting to give notice on change in occupation.

15. If, on a change in the occupation of any warehouse, the person entering into occupation fail to give the notice required by section eight of this Act, such person shall be liable, on

conviction before a Magistrate, to a penalty not exceeding one hundred rupees.

PART III.

Application of Funds.

Funds how to be applied.

16. The license fees and penalties received and levied under Parts I and II of this Act shall be applied in the manner following, that is to say—

Twenty per cent. to cost of inspection.

The Commissioners shall apply twenty per centum of such fees and penalties received and levied within their respective jurisdictions to the payment of the inspecting officers entertained under section seven of this Act, and to the payment of all expenses incurred by such Commissioners, respectively, in or about the inspection and superintendence of warehouses, and the granting of licenses in respect thereof.

Any balance of such twenty per centum which may remain after payment of such expenses shall be credited to the Municipal Fund of Calcutta, or of the Suburbs, or of Howrah, as the case may be, and any excess expenditure shall be defrayed by the Commissioners from the Municipal Fund.

Eighty per cent. to cost of fire-brigade.

17. The remaining eighty per centum of such fees and penalties shall be paid by the Commissioners to the Commissioner of Police for the Town of Calcutta, and shall be applied by him to the maintenance of the fire-brigade as hereinafter provided.

Budget of fire-brigade to be prepared.

18. The Commissioner of Police shall prepare annually, in or before the month of February, a budget or estimate of the receipts and expenditure of the fire-brigade for the year commencing on the first of April next ensuing.

Such budget shall be laid before the Commissioners at a meeting, and shall be forwarded by them to the Local Government with such remarks as they shall think fit to record; and it shall be in the discretion of the Local Government to pass, or to reject, or to modify, the estimates of all or any sums entered in the same.

If such budget, as finally passed by the Local Government, shall shew a surplus of receipts over expenditure, it shall be in the discretion of the Local Government, subject to the provisions of section five, to reduce the scale of fees to be paid in respect of warehouses; and, if it shall shew a deficit, similarly to increase such scale.

PART IV.

Fire-brigade.

Maintenance of fire-brigade.

19. The Commissioner of Police for the Town of Calcutta shall maintain an efficient fire-brigade for the town and suburbs of Calcutta and for the Municipality of Howrah.

Local Government may make orders.

20. The Local Government may from time to time make, and, when made, alter or repeal such general or special orders as it may think fit—

For appointing or removing any member or officer of the force.

For furnishing the fire-brigade with such fire-engines, fire-escapes, horses, oxen, accoutrements, tools and implements, as it may think proper.

For building, providing or hiring places for the keeping of the force, engines, horses and appurtenances.

For giving gratuities to persons who have given notice of fires.

For the training, discipline, good conduct, salaries and pensions of the members of the force.

For the speedy attendance of such members with engines and all necessary implements on the occasion of any alarm of fire.

For sending the force, engines and appurtenances beyond the limits of the area to which this Act extends, in order to extinguish fire in the neighbourhood of the said limits.

For imposing and summarily realizing a fine not exceeding one week's wages from any member of the brigade who may infringe these orders.

Generally, for the maintenance of the fire brigade in a due state of efficiency.

Such orders shall be published in the *Calcutta Gazette*, and shall take effect from such publication.

Powers of fire-brigade in cases of fire.

21. On the occasion of a fire, the Commissioner or Deputy Commissioner of Police, or the chief or other officer in charge of the fire-brigade on the spot, may—

(*a*) remove, or may order any member of the brigade to remove, any persons who by their presence interfere with the due operations of the brigade ;

(*b*) by himself or by his men break into or through, or pull down, any premises for the purpose of putting an end to the fire, doing as little damage as possible ;

(*c*) cause the mains and pipes of any district to be shut off, so as to give greater pressure of water in the place where the fire has occurred ;

(*d*) call on the officer in charge of the Port Commissioners' fire-engine to render such assistance as may be possible, in the case of any fire occurring near the river bank ;

(*e*) and, generally, take such measures as may appear necessary for the preservation of life and property.

The Commissioner or Deputy Commissioner of Police or chief officer on the spot in charge of the brigade may verbally nominate and depute one or more officers of the brigade to act at a distance, and such officer or officers shall have for the time being the like powers as the chief officer himself possesses under this section.

Police officers to render assistance.

Police Officers of all grades shall be authorized to aid the fire-brigade in the execution of its duties. They may close any street in or near which a fire is burning, and they may, of their own motion or on the request of the chief or other officer of the fire-brigade, remove any persons who interfere by their presence with the operations of the fire-brigade.

Damage done to be deemed damage by fire.

Any damage done by the fire-brigade in the due execution of its duties shall be deemed to be damage by fire within the meaning of any policy of insurance of property in Calcutta or the Suburbs against fire.

No officer of the police or of the fire-brigade shall be held liable to damages on account of any act done by him in the *bonâ fide* belief that such act was required in the proper execution of his duties.

Enquiry into origin of fire.

22. In the case of any fire occurring in Calcutta or the Suburbs, or in the Municipality of Howrah, the chief officer of the fire-brigade shall ascertain the facts as to the origin and cause of such fire, and shall make a report thereon to the Magistrate having jurisdiction in the place in which such fire shall have occurred, and the said Magistrate, in any case where he may see fit, shall summon witnesses and take evidence in order to the further ascertainment of such facts.

Licenses and Penalties in respect of fire-works, &c.

Penalty for letting off rockets and selling fire works without license.

23. Within the town and suburbs of Calcutta whoever shall let off rockets or send up fire-balloons without a license from the Commissioner of Police, and whoever shall sell fire-works without a license from the Commissioner of Police, for which a yearly fee not exceeding ten rupees shall be payable, shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty rupees for every such offence.

Power to withdraw license.

24. The Commissioner of Police may, at his discretion, withdraw or suspend any license granted by him under the last preceding section:

Provided that a license to sell fire-works shall not be withdrawn or suspended except after thirty days' notice.

Exercise of powers in Howrah.

25. The powers conferred on the Commissioner of Police in respect of Calcutta and the Suburbs by the two last preceding sections, shall be exercised in the Municipality of Howrah by the Magistrate of the District, or the officer in charge of the current duties of the Magistrate's office.

Liability of householders.

26. In the event of any rockets being let off, or fire-balloons sent up, within the precincts of any private premises or compound without the express

permission in writing of the Commissioner of Police, or the Magistrate or officer as aforesaid, as the case may be, the occupier or owner, or person under whose immediate control the said premises or compound is, shall be liable to a fine not exceeding fifty rupees, unless he can prove who the person having committed the offence is, and that the offence was committed without his knowledge.

Miscellaneous.

Appropriation of existing balance.

27. Any sum standing at the credit of the Jute-warehouse Fund of the Town of Calcutta, or of the Suburbs, at the time when this Act comes into force, may be appropriated, in such proportions as the Local Government may direct, either as a grant to the Municipal Fund of Calcutta or of the Suburbs for general purposes, or to the purchase of new engines, plant or equipment for the fire-brigade referred to in section nineteen of this Act.

Fire-brigade receipts.

28. The funds available for the maintenance of the fire-brigade shall be:

(1) The eighty per centum payable under section seventeen:

(2) The proceeds of all license fees and penalties levied under Part IV:

(3) Any other funds which the Local Government may grant or appropriate for this purpose.

Local Government may declare the warehousing of any other fibre, besides jute or cotton, to be subject to Act.

29. The Local Government may, on the recommendation of the Commissioners passed by resolution, declare that any other fibre which is stored or deposited in warehouses, besides jute or cotton, shall be warehoused and kept subject to the provisions of this Act.

When such declaration shall have been made in the *Calcutta Gazette*, this Act shall be read as if the name or names of the said fibre had been printed, in addition to the words "jute" or "cotton," in the several sections of this Act wherein the said words "jute" or "cotton" may occur.

Submission of reports.

30. The Commissioners of the several jurisdictions to which this Act extends shall report to the Local Government once a year, at such time as the Local Government shall direct, shewing how the provisions of this Act have been carried out, and specifying the warehouses in respect of which licenses have been granted.

The Commissioner of Police for the town of Calcutta shall make a similar report, shewing the working of the fire-brigade during the year, the receipts and expenditure in respect thereof, and the proceedings taken by him under sections twenty-three and twenty-four of this Act.

Such reports shall be forthwith published in the *Calcutta Gazette*.

Power to arrest.

31. Any person committing any offence in respect of which a penalty is provided by section fourteen or section twenty-three of this Act may, if his name and address be unknown, be arrested by any officer of Police and forthwith conveyed before some Magistrate having jurisdiction in the place in which such offence has been committed, or shall be taken to the nearest police-station within the said jurisdiction in order that such person may be detained until he can be brought before a Magistrate, or until he shall enter into a recognizance with or without sureties for his appearance before a Magistrate.

Offenders to be brought to trial.

32. Whenever such person shall be taken to a police-station, the officer in charge of such station shall, as soon as possible, but in every case within twenty-four hours, cause him to be conveyed before some Magistrate having jurisdiction in the matter.

Form of license.

33. Every license granted under Part I of this Act shall, as far as possible, be in the form to the Schedule to this Act annexed.

Saving of places of manufacture or retail trade.

34. Nothing in this Act shall be deemed to apply to buildings or places wherein small quantities of jute, cotton or other fibre for the time being subject to the operation of this Act are

deposited for the purpose of any manufacture or retail trade. The Local Government may from time to time declare, by notification in the *Calcutta Gazette*, what quantities of jute, cotton or other fibre as aforesaid, shall be deemed to be small quantities within the meaning of this section.

SCHEDULE.

(*See Section* 33.)

License under Bengal Act IV of 1883.

No. of 188 .

The Corporation of the Town of Calcutta (*or the Municipal Commissioners of the Suburbs of Calcutta, or of Howrah, as the case may be*) hereby grant unto this license under Bengal Act IV of 1883, to store and press jute (*or cotton, or other substance, as the case may be*) in premises No. , Calcutta (*or the Suburbs of Calcutta or Howrah, as the case may be*) subject to the conditions noted on the back : and they hereby acknowledge to have received the sum of Rs. , being the license fee due by the said from to 188 in respect of the aforesaid premises, at the rate of Rs. per annum.

Name of owner
Name of occupier

Secretary to the Corporation
(*or to the Municipal Commissioners*).

The day of

J. E. S.—Reg. No. 1840G—2,000—23-5-83.

ACT No. V OF 1883.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 26th March 1883, and of the Governor-General on the 9th May 1883.)

An Act for the Registration and Control of Porters and Dandeewallas in the Darjeeling and Kurseong Municipalities.

WHEREAS it is expedient to provide for the registration and control of porters and dandeewallas in the Darjeeling and Kurseong Municipalities: It is enacted as follows :—

Preamble.

1. In this Act the term "Coolie" shall be limited to porters and to dandeewallas, and other persons employed in carrying, drawing or propelling any vehicle.

Interpretation.

The term "Commissioners" means the Commissioners of the Municipalities of Darjeeling or Kurseong constituted under the Bengal Act V of 1876, or other Act for the time being in force for the regulation of Municipalities.

2. This Act shall come into force in the Darjeeling and Kurseong Municipalities respectively, when extended thereto by an order of the Lieutenant-Governor published in the *Calcutta Gazette*. Such order shall specify the date on which this Act shall commence in such Municipality, and shall operate to extend the provisions of this Act to such Municipality according to its tenor.

Commencement.

The Lieutenant-Governor may, at any time, cancel or modify an order made under this section.

3. The Commissioners shall, within fifteen days of such publication, cause a copy of the order to be deposited in the office of the Commissioners,

Publication of order.

and a copy shall be posted up in a conspicuous position at such office, and in such other places as the Commissioners may direct;

and a public proclamation of such order shall be made throughout such Municipality by beat of drum.

Commissioners to appoint a registering officer.

4. The Commissioners at a meeting shall, for the purposes of this Act, appoint a registering officer.

Licensing and registration of coolies.

5. Every coolie personally working for gain within the limits of such Municipality shall take out a license and shall thereupon be registered by the registering officer appointed under the last preceding section, who shall keep a register in which he shall enter the name and residence of every such coolie, and every person applying shall, at all reasonable times, be furnished with a certified copy of such particulars on payment of a fee of eight annas:

Provided always that the provisions of this section shall not apply to any coolie who is hired beyond the limits of the Municipality for a period of time not exceeding twenty-four hours, but who performs a portion of the work imposed by such hiring within such limits.

Period of license.

6. The year of registration shall commence on the first day of January of each year, and every license granted on any date within that year shall, subject to the provisions of sections twelve and twenty, remain in force to the thirty-first day of December next following and no longer.

Details of license.

7. Every license granted by the registering officer shall specify the number of the license, and the name and place of abode and age of the coolie to whom such license is granted, and shall further state whether such coolie is licensed to work as—

(*a*) a monthly or other servant for a fixed period of time exceeding twenty-four hours, or

(*b*) a coolie empowered to work by the job, or for any period of time not exceeding twenty-four hours.

Every license shall bear date on the day on which the same shall be granted.

Licensed coolie to wear badge.

8. The registering officer shall, at the time of granting the license to any coolie empowered to work by the job, or for any period of time not exceeding twenty-four hours, deliver to him a metal badge, upon which shall be marked or engraved a number corresponding with the number of such license. Every coolie to whom such badge is delivered shall at all times, while waiting for hire, or during the performance of his duties as such coolie, or while attending before any Magistrate, carry such badge exposed to view.

Penalty for omitting to wear badge.

9. Whenever any coolie empowered to work by the job, or for any period not exceeding twenty-four hours, shall omit to wear such badge exposed to view as aforesaid, he shall be liable to a penalty not exceeding five rupees.

Rates of hire to be fixed and published.

10. The Commissioners at a meeting, of which at least seven days' notice shall have been given by beat of drum, may make and publish, in such manner as they think fit, an order specifying the rates of hire in respect of all coolies empowered to work by the job, or for any period not exceeding twenty-four hours. Such rates shall include rates calculated according to distance as well as rates calculated according to time, and such rates may from time to time be varied:

Provided that the list of rates calculated according to distance shall include rates in respect of such places, situate beyond the limits of the Municipality, as may from time to time be determined upon by the Commissioners:

Provided, further, that no such order shall take effect until it has been confirmed by the Lieutenant-Governor and published in the *Calcutta Gazette*.

A table of the rates of hire legibly written or printed in English, Lepcha, Bhutia, Nagri, Urdu and Bengali shall be affixed in some conspicuous place within the limits of the Municipality, and a copy of the same, or such portion thereof as may be deemed sufficient, shall be given to every coolie at the time of registration.

Coolie entitled to payment according to rates fixed, subject to special agreements for lower rates.

11. Every such coolie shall be entitled to receive payment for his hiring in accordance with the rates specified in the order mentioned in the last preceding section:

Provided that nothing in this Act contained shall prevent any such coolie from being bound by any contract into which he may enter to receive payment at a rate lower than that fixed by such order.

Registration of coolies when engaged as monthly servants.

12. Any coolie engaged as a monthly servant, or for some other fixed period of time exceeding twenty-four hours, who shall be proved to the satisfaction of the Chairman of the Commissioners,

to have deserted from such employment without reasonable cause during the period of his engagement;

or to have been guilty of gross misconduct during such period of time;

or to have wrongfully prevented or endeavoured to prevent any other coolie from accepting employment,

shall be liable to have his license withdrawn or suspended for such period as the Chairman may direct.

Penalty for certain offences committed by registered coolies.

13. Every coolie empowered to work by the job, or for any period not exceeding twenty-four hours, who shall, without reasonable excuse,

refuse to accept hire at the rate fixed for such hiring;

or desert from his hiring before being discharged therefrom;

or demand more than the proper rate fixed for such hiring;

or be drunk or make use of insulting or abusive language during the period of, or while waiting for, such hiring;

or wrongfully prevent, or endeavour to prevent, any other coolie from being hired;

or fail to produce his table of rates when required to do so,

shall be liable to a penalty not exceeding ten rupees, or in default of payment to imprisonment not exceeding one month.

14. Any coolie who shall work as such without being duly registered and licensed, and any coolie who, having a license in force, shall transfer or lend the same, or allow the same to be used by any other person, shall be liable upon conviction in respect of any one of such offences, to a penalty not exceeding ten rupees, or in default of payment to imprisonment not exceeding one month.

Penalty for being unlicensed or lending license to another.

15. Whenever the writing on any badge shall become obliterated or defaced, so that the same shall not be distinctly legible, and also whenever any badge shall be proved, to the satisfaction of the registering officer, to have been lost or mislaid, the coolie to whom the license relating to any such badge shall have been granted, shall deliver such badge (if he shall have the same in his possession), and shall produce such license to the registering officer; and such coolie shall then be entitled to have a new badge delivered to him upon payment of such sum of money, not exceeding one rupee, as the registering officer shall from time to time appoint.

Coolie entitled to have new badge on loss or obliteration of former one.

16. Upon the expiration or other determination of any license granted to a coolie under this Act, such coolie shall deliver such license, and in the case of a coolie empowered to work by the job, or for any period of time not exceeding twenty-four hours, the badge relating thereto, to the said registering officer; and every such coolie who, after such expiration or determination as aforesaid, shall wilfully neglect for one week to deliver the same to the said officer; and also every coolie who shall use, or wear, or detain any badge which shall have ceased to be in force, or other than such as shall have been delivered to him under the provisions of this Act; and every coolie to whom any badge shall have been delivered as aforesaid, who shall lend such badge to any other person; and every person who shall wear or use the badge of any other coolie—shall for every such offence be liable to a penalty of five rupees, or in default of payment to imprisonment not exceeding one week. It shall be lawful for the registering

Penalty for neglecting to deliver up badge, lending badge, &c.

officer, or for any person employed by him for that purpose, to prosecute any coolie so neglecting to deliver up his license or badge at any period, within twelve calendar months, after the expiration of the license.

Penalty for using or having a counterfeit badge.

17. Every coolie or other person who shall, for the purpose of deception, use or wear or have any badge resembling any badge granted under the authority of this Act, shall for every such offence be liable to a penalty not exceeding ten rupees, or in default of payment to imprisonment not exceeding one month. And it shall be lawful for any police officer, or any person employed for that purpose by the registering officer, to seize and take away any such badge, or any badge used for the purpose of deception as aforesaid, wheresoever the same may be found, and to deliver the same to the registering officer.

Penalty for not depositing lost or unclaimed property.

18. Every coolie empowered to work by the job, or for any period of time not exceeding twenty-four hours, who shall be in possession of any lost or unclaimed property, shall within twenty-four hours carry such property, if not sooner claimed by the owner thereof, to the nearest police-station, and shall there deposit and leave the same with the sub-inspector or other officer on duty, and any such coolie making default herein, shall be liable to a penalty not exceeding five rupees, or in default of payment to imprisonment not exceeding one week.

Conviction to be endorsed on coolie's license. Penalty for failing to produce license.

19. Whenever any coolie shall be summoned to appear before any Magistrate to answer any charge preferred against him under this Act, he shall carry with him his license, and produce the same if required so to do; and any coolie who shall on such requisition fail, without reasonable cause, to produce such license, shall for every such offence be liable to a fine not exceeding five rupees. It shall be lawful for any Magistrate, on conviction of any coolie of any offence under this Act, to endorse on such license the nature of the offence, the date of the conviction and the penalty inflicted.

Revocation or suspension of coolie's license on his conviction of any offence.

20. It shall be lawful for any Magistrate before whom any coolie shall be convicted of any offence, whether under this Act or under any other law in force, to revoke the license of such coolie, or to suspend the same for such time as the Magistrate shall think proper, and for that purpose to require the coolie, or any other person in whose possession such license and the badge (if any) thereto belonging shall then be, to deliver up the same; and every coolie or other person who, being so required, shall refuge or neglect to deliver up such license and such badge, or either of them, shall be liable to a penalty not exceeding ten rupees, so often as he shall be so required, and refuse or neglect as aforesaid: and the Magistrate shall immediately send every license and every badge delivered up to him under this section to the registering officer, who shall cancel such license if it has been revoked by the Magistrate, or, if it has been suspended, shall, at the end of the time for which it shall have been suspended, re-deliver such license with the badge (if it shall have come into the possession of the registering officer) to the coolie to whom it was granted.

Penalty for refusing to pay legal fare.

21. If any person who shall have hired any coolie shall refuse to pay such coolie, or any authorized agent on his behalf, the proper sum payable for such hiring, it shall be lawful for any Magistrate to order payment of such sum and also such compensation as shall seem reasonable, and, in default of payment, such sum and compensation may be recovered in the same way as fines are recoverable under any Act for the time being in force for the regulation of Municipalities.

Jurisdiction.

22. Offences punishable under this Act shall be triable by any Magistrate having jurisdiction in the place where the offence is committed, but such Magistrate shall be subject to the provisions of the Code of Criminal Procedure as to the amount of fine or imprisonment he may inflict:

Provided that the provisions of this section shall not apply to section twelve of this Act.

Disposal of fines.

23. All penalties and fines to be levied under this Act, shall be placed to the credit of the Municipal Fund.

J. E. S.—Reg. No. 1811G—2,000—23-5-83.

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